### ZONING CHANGE REVIEW SHEET

**CASE:** C14-2007-0199 – 8700 Block of

**Z.A.P. DATE:** November 20, 2007

South 1st Street

**ADDRESS:** 8700 Block of South 1<sup>st</sup> Street

**OWNER:** Mickey Rich Plumbing and Heating, Inc. AGENT: Smith, Robertson, Elliott,

(Roger M. Rich, Jr.)

Glen, Klein & Bell, L.L.P. (David Hartman)

**ZONING FROM:** SF-6; LR-CO; GR-CO **TO:** MF-2 **AREA:** 13.259 acres

# **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant multi-family residence low density – conditional overlay (MF-2-CO) combining district zoning. The Conditional Overlay establishes a 50 foot wide building setback along the west and north property lines and limits development to 2,000 vehicle trips per day.

## ZONING & PLATTING COMMISSION RECOMMENDATION:

November 20, 2007: APPROVED STAFF'S RECOMMENDATION OF MF-2-CO ZONING WITH CONDITIONS OF 2,000 TRIPS PER DAY; 25' VEGETATIVE BUFFER ALONG THE NORTH & WEST PROPERTY LINES; SINGLE STORY STRUCTURE NOT EXCEEDING 20-FEET IN HEIGHT; MINIMUM OF 75-FEET SETBACK FROM PROPERTY LINE; MINIMUM OF 6-FOOT FENCE ALONG THE NORTH & WEST PROPERTY LINES [K. JACKSON, J. MARTINEZ 2<sup>ND</sup>] (7-0) T. RABAGO – LEFT EARLY

# **ISSUES:**

The adjacent owner of the Buckingham Place duplex development to the west has submitted letters of support for the proposed rezoning and requesting a 75-foot setback for any new buildings that are greater than 20 feet in height. The owner of the LI-CO zoned property on the east side of South 1<sup>st</sup> Street has also submitted a letter of support. Letters of opposition from adjacent single family residence property owners are also attached.

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

# **DEPARTMENT COMMENTS:**

The subject property consists of undeveloped acreage and is zoned townhouse and condominium residence along the northern portion (SF-6), neighborhood commercial – conditional overlay (LR-CO) for the majority of the tract and community commercial – conditional overlay (GR-CO) district for two acres along South 1<sup>st</sup> Street. Access is taken to

South 1<sup>st</sup> Street, an arterial roadway and the property also shares a driveway with the commercial development (lube shop, service station, plant nursery) to the south. Just east, Ralph Ablanedo Drive forms a "T" intersection with South First Street. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial).

The Applicant is proposing to rezone the property to the multi-family residence low density (MF-2) district so that it may be developed with multi-family residential uses. Along the north and west property lines, the Applicant has proposed a 25-foot wide vegetative buffer with additional tree plantings, begin a detached 1-story parking structure (both enclosed garages and carports) at the 25 foot line, and then set the buildings 75 feet from the 25 foot line (or 100 feet from the property line). Please refer to Exhibit B.

In the context of the surrounding land uses and roadway, MF-2-CO zoning is appropriate. The property has access to South 1<sup>st</sup> Street, an arterial roadway and is across from commercial and industrial zoned property. There is a similarly situated property zoned MF-2-CO adjacent to the Park Ridge subdivision, with the CO for 308 units, 19 units per acre and a 50 foot building setback. The multi-family residential development would also be in proximity to the commercial development located on Slaughter Lane, to the south and east. Staff has proposed a Conditional Overlay to limit the property to uses that generate less than 2,000 vehicle trips per day, and to provide additional compatibility with the single family residences and duplexes to the north and west, a 50 foot wide building setback.

	ZONING	LAND USES
Site	DR	Undeveloped
North	SF-2	Single family residences
South	CS-CO; GR-CO	Automotive sales; Lube shop; Service station; Retail;
		Undeveloped
East	DR; IP; LR-CO;	Plumbing supply company; Masonry and supply
	IP-CO; LI-CO; LI;	company; Church; Beauty salon; Business park; Sign
	W/LO; LO-CO	company; Office warehouse; Storage; Undeveloped
West	SF-3; SF-2	Duplexes; Single family residences

AREA STUDY: N/A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

242 – Slaughter Lane Neighborhood Association

262 – Beaconridge Neighborhood Association

300 - Terrell Lane Interceptor Association

428 - Barton Springs / Edwards Aquifer Conservation District

499 - Park Ridge Owners Association

511 – Austin Neighborhoods Council

627 - Onion Creek Homeowners Association

742 - Austin Independent School District

786 - Home Builders Association of Greater Austin

948 - South by Southeast Neighborhood Organization

1037 – Homeless Neighborhood Organization

# **SCHOOLS:**

Casey Elementary School

Bedichek Middle School

Akins High School

# **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0181 -	DR to MF-2	To Grant MF-2-CO	Approved MF-2-CO as
Verde Stone Creek		with CO for 2,000 trips	ZAP recommended (12-15-05).
C14-02-0178 -	DR to LO	To Grant LO-CO, with	Approved LO-CO as
Thomas Davern		CO for 2,000 trips	recommended by ZAP (2-13-03)
C14-01-0106 -	DR to MF-2	To Grant MF-2-CO	Approved MF-2-CO
Jack S. Moore		with CO for 2,000	with CO for 2,000
Zoning Change		trips; MF-1 density;	trips and MF-1 density
		restriction of	(8-1-02).
		development within 25	
		feet of the drainage or	
		waterway; 25'	
		vegetative buffer on the	
		east side.	
C14-01-0014 -	DR; I-RR to MF-	To Grant MF-2-CO as	Approved MF-2-CO as
Slaughter Lane	2-CO	requested with CO for	recommended by PC
Apartments		308 units, 19 u.p.a. and	(4-19-01)
		addition of a 50'	
,		building setback along	
G14.00.0125	CTC 0 / II	east property line.	1 177/17 (2 / 2 2
C14-99-0135 – Rolando Jaimes	SF-2 to LI	To Grant W/LO-CO	Approved W/LO (2-3-00)
C14-98-0147 –	DR to LR-CO;	To Grant LR-CO for	Approved LR-CO for
Carter Zoning Case	IP-CO	Tract 1; IP-CO for	Tract 1; IP-CO for
		Tract 2	Tract 2. CO limits
			structure height to 40';
			impervious cover to
			70%; 2,000 vehicle
			trips per day; sign
		·	regulations comply
			with that of
			Neighborhood

,			Commercial regulations; Service Station use prohibited on Tract 1; Auto uses, Service station, Sports and recreation, Research services and Adult-oriented uses prohibited on Tract 2. (5-13-99)
C14-97-0027 – Red Barn Nursery	GR-CO to CS-CO	To Grant CS-CO with conditions	Approved CS-CO with conditions for: F.A.R. of 0.25 to 1; maximum impervious cover of 60%; list of prohibited uses and allow for urban agriculture (6-5-97)
C14-95-0011 – Police & Fire Substation	SF-2 to P	To Grant P	Approved P (3-30-95)
C14-94-0046 – Theriot Tract	DR to SF-4A	To Grant SF-4A w/conditions	Approved SF-4A-CO (9-1-94)
C14-90-0072 – First Slaughter Commerce Bank	DR to LI	To Grant LI-CO w/conditions	Approved LI-CO w/list of prohibited uses (2-21-91)

### **RELATED CASES:**

The subject property was rezoned in May 2004 to its present configuration of GR-CO, LR-CO and SF-6 (C14-03-0147). Retail and restaurant general uses and an automotive repair business were contemplated in the rezoning application. For the LR-CO zoned tract, the Conditional Overlay established a 70-foot wide building setback from the west property line. For the GR-CO tract, the CO allowed for restaurant general uses and all LR uses. A Traffic Impact Analysis also accompanied the 2003-2004 rezoning application. The present Applicant plans to submit a Restrictive Covenant Termination to remove the requirements of the TIA and has agreed to a 2,000 trip limit with this rezoning case.

The subject property was also the subject of a 1999 rezoning case from DR to LR, neighborhood commercial, which was subsequently amended to MF-2-CO, multi-family residence – low density – conditional overlay (Case # C14-99-2127). The staff recommended MF-2-CO with a 2,000 vehicle trip limit and limiting the density to 13.8 units per acre.

The Planning Commission recommended approval of MF-1-CO with a 2,000 vehicle trip limit. At First Reading, the City Council approved MF-2-CO with a 2,000 trip limit and

modified the maximum density from 13.8 to 14 units per acre. The Applicant chose not to proceed past First Reading and subsequently, the case expired.

# **ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
South 1st Street	70-90 feet	45-65 feet	4-lane undivided minor arterial with 7,379 vpd, S. of Slaughter (2006)	Yes, except for the property's frontage	Priority #2	Route #10 S 1st
Ralph Ablanedo Drive	82 feet	22 feet	Collector (substandard)	No	No	No

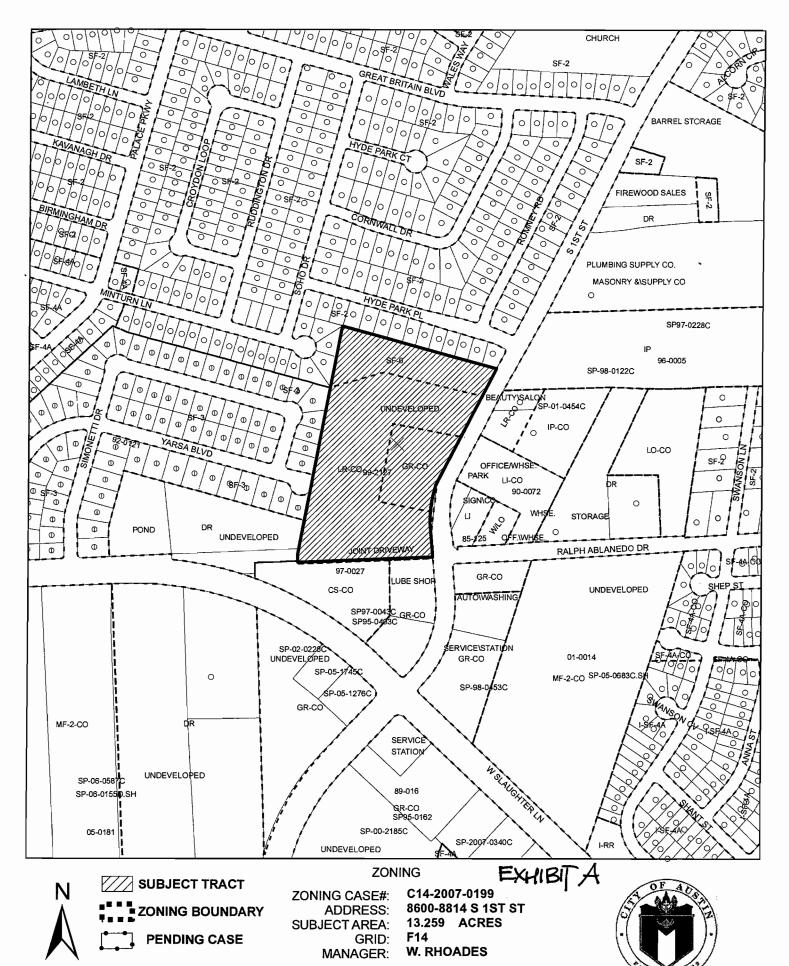
CITY COUNCIL DATE: January 10, 2008 ACTION:

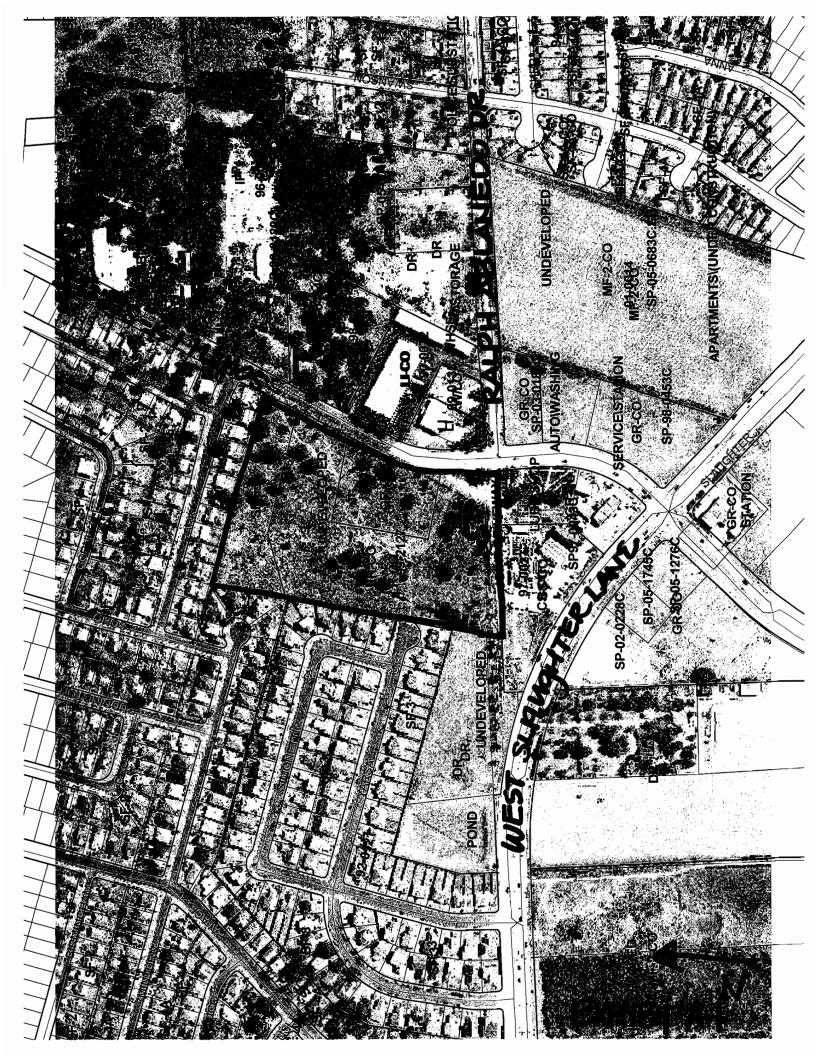
ORDINANCE READINGS: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

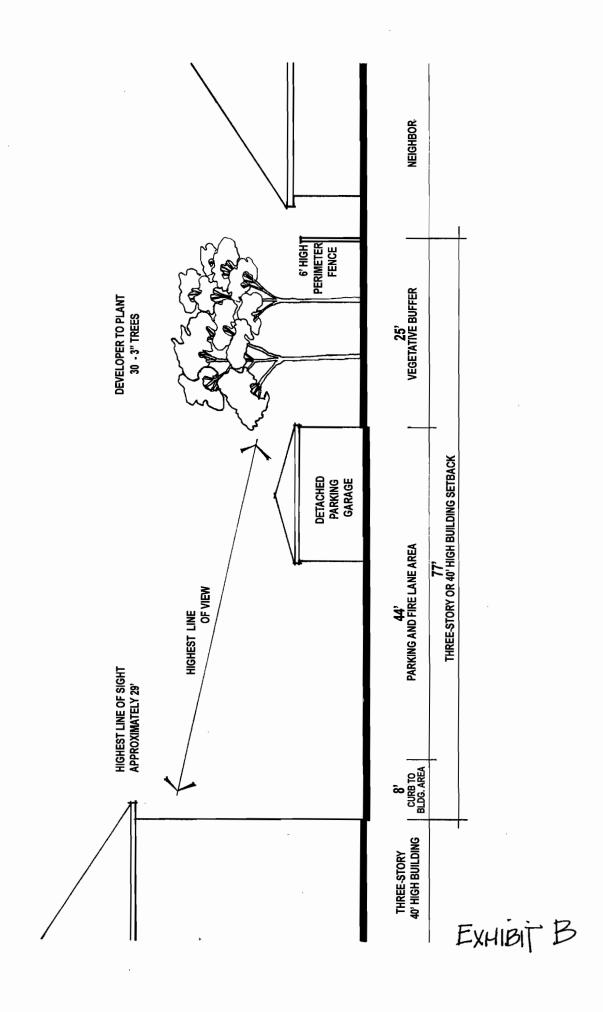
**ORDINANCE NUMBER:** 

**CASE MANAGER:** Wendy Rhoades **PHONE:** 974-7719

e-mail: wendy.rhoades@ci.austin.tx.us







## **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant multi-family residence low density – conditional overlay (MF-2-CO) combining district zoning. The Conditional Overlay establishes a 50 foot wide building setback along the west and north property lines and limits development to 2,000 vehicle trips per day.

# BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The MF-2, Multi-Family Residence district is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate given its location near supporting transportation and commercial facilities.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

In the context of the surrounding land uses and roadway, MF-2-CO zoning is appropriate. The property has access to South 1<sup>st</sup> Street, an arterial roadway and is across from commercial and industrial zoned property. There is a similarly situated property zoned MF-2-CO adjacent to the Park Ridge subdivision, with the CO for 308 units, 19 units per acre and a 50 foot building setback. The multi-family residential development would also be in proximity to the commercial development located on Slaughter Lane, to the south and east. Staff has proposed a Conditional Overlay to limit the property to uses that generate less than 2,000 vehicle trips per day, and to provide additional compatibility with the single family residences and duplexes to the north and west, a 50 foot wide building setback.

### **EXISTING CONDITIONS**

### **Site Characteristics**

The site consists of undeveloped acreage. There appear to be no topographical constraints on this tract.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-2 zoning district is 60% for the MF-2 district, a consistent figure between the zoning and watershed regulations

# **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land

Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as springs, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

 Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Transportation**

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

No additional right-of-way is needed at this time.

# Water and Wastewater

<u>Water</u>: Domestic service is available from an eight-inch line on the south side of Ralph Ablanedo Drive; an eight-inch on the east side of South First Street; or, an eight-inch in Yarsa Drive, a cul-de-sac stubbing into the west side of the property. Fire flow for commercial or retail uses, depending upon the requirements that the Fire Department sets out for the development, may require additional improvements at the developer's expense. The applicant should contact the Fire Department and have fire flow tests run to determine what flows are available.

<u>Wastewater</u>: Service is available from an eight-inch line in the middle of South First Street or an eight-inch line in the aforementioned Yarsa Drive.

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

# Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.



creating housing where families succeed

3036 South First Suite 200 Austin, TX 78704

tel: (512) 447-2026 fax: (512) 447-0288

November 13, 2007

Ms. Wendy Rhoades City of Austin Neighborhood Planning & Zoning Department 505 Barton Springs Road, 5<sup>th</sup> Floor Austin, Texas 78704

RE: Rezoning of approximately 13.3 acres 8700 Block South 1<sup>st</sup> Street to MF-2 "Multi-Family Residence, Low Density" zoning category; Rezoning Case No. C-14-2007-0199

Dear Wendy:

I am writing to express the position of Foundation Communities for rezoning the property at 8700 Block South 1<sup>st</sup> Street to multifamily (MF-2) as requested by the landowner.

Foundation Communities operates Buckingham Place, a community of 162 2 and 3-bedroom duplex units with private entrances, fenced back yards and one-car garages, located immediately adjacent to the proposed apartment community involved in the above-referenced rezoning case. As such, Foundation Communities constitutes the largest adjacent landowner that is most impacted by the proposed rezoning.

We believe the apartment community as proposed by the landowner provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from Buckingham Place residences to South 1<sup>st</sup> Street, and to commercial and industrial land uses east and south.

However our support is contingent upon the creation of a site plan that provides an adequate buffer zone between the proposed development and our existing property. Foundation Communities prefers a minimum distance of 75 feet between our property line and any new buildings 20 feet or higher in height"

As the most impacted adjacent landowner, we offer this contingent support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely.

Walter Moreau Executive Director



9606 North Mopac Suite 125 Austin, Texas 78759 512-335-3800 512-451-4008 (fax) www.daycablecompany.com

November 16, 2007

Ms. Wendy Rhoades City of Austin Neighborhood Planning & Zoning Department 505 Barton Springs Road, 5<sup>th</sup> Floor Austin, Texas 78704

RE: Rezoning of approximately 13.3 acres 8700 Block South 1<sup>st</sup> Street to MF-2 "Multi-Family Residence, Low Density" zoning category; Rezoning Case No. C-14-2007-0199

Dear Wendy:

As Managing Agent for Pacific Slaughter Industrial Ltd, I am writing to express the support for rezoning the property at 8700 Block South 1<sup>st</sup> Street to multifamily (MF-2) as requested by the landowner.

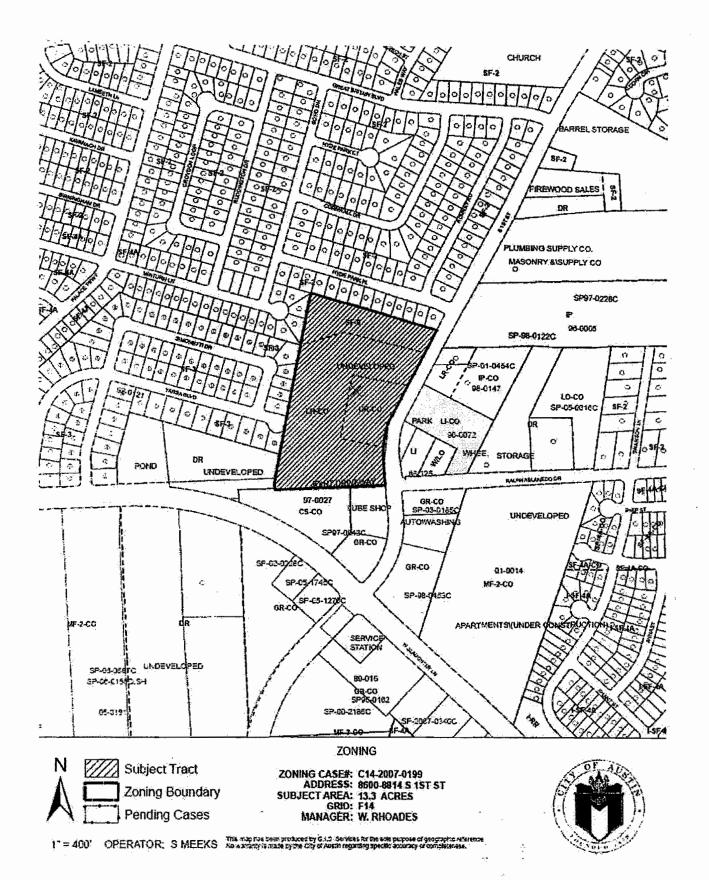
Pacific Slaughter Industrial Ltd. is the owner of the South Slaughter Industrial Park located at 8801 S. First Street directly across the street from the subject property. South Slaughter Industrial Park has approximately 45,712 square feet in improvements and is situated on 2.48 acres of land. We believe the apartment community as proposed by the landowner provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from South Slaughter Industrial Park to the residences to the west and north of the subject property being rezoned. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant lot.

As one of the more impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Day Cable, Managing Agent Pacific Slaughter Industrial Ltd.

Steve Oden, Jr.

CC:



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0199 **Contact:** Wendy Rhoades, (512) 974-7719 **Public Hearing:** November 20, 2007 Zoning and Platting 🛚 I am in favor Commission L object S. K. Peterson Your N 605 Hyde Park Pl. Austin, TX 78748-6524 Your address(es) affected by this application Comments FER SOUND BARRIER CURRENTLY MULTI FAMILY USE - REALING NATURE'S VEGETATION - RESERVE FOR MANY VARIETES OF BIRDS/ANIMALS - DESTROYING If you use this form to comment, it may be returned to: City of Austin Neighborhood Planning and Zoning Department Wendy Rhoades P. O. Box 1088 Austin, TX 78767-8810

Amy Gawlik 705 Minturn Lane Austin, Tx 78748

Case # C14-2007-0199

In reference to the proposed zoning change of the area of 8700 Block South First Street as Homeowner I oppose heavily. Without a doubt not only will the possibility of Townhouses and Condominiums heighten the traffic of First Street anymore. It will bring with it environmental and safety issues along with. I moved into a singly family home to get away from apartments-not to live next to them. I strongly feel that this will only create density problems within the area, but create a very stressful situation for families that live in this area.

Points to Consider:

- -Deterioration of property when people rent as opposed to owning.
- -Property value decrease.
- -Lighting issues.
- -Security increase, vandalism.
- -Safety issue with increase to heavier traffic in area.
- -Noise problems.
- -Character of the neighborhood changing.
- -Safety of the children in area.

Thank you, Amy Gawlik

11/15/2007

# PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

☐ I am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your X I object ADDRESS = too wowy steeper If you use this form to comment, it may be returned to: Neighborhood Planning and Zoning Department Your address(es) affected by this application OUNDICK DOVELODING Contact: Wendy Rhoades, (512) 974-7719 N Comments: ("URWGN"TS SIK November 20, 2007 Zoning and Platting ARENT HENTREY DACKON mult Case Number: C14-2007-0199 703 MINTURA Austin, TX 78767-8810 CNSTRUCTUR Your Name (please print) AD DITON isted on the notice. 4 NUTHER Wendy Rhoades P. O. Box 1088 Public Hearing: City of Austin Commission

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9 TOU MANY APARTMENT TYPE COMPLEXES CHILDREN PERS + PEAPLE-ESPECIALLY MOSE ☐ I am in favor FORMULY OF THE NEIGHBORHOOD BY CREATING LESS DWALLINGS THERE MEE ALRESTON MORE PLEASE DON'T FORCE comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your COMPLEXES DIMINISH THE WALVE OF THE I object SAFE AND NOISER SUPROUNDINGS FOR SINGLE If you use this form to comment, it may be returned to: Neighborhood Planning and Zoning Department OF ■ Your address(es) affected by this application Contact: Wendy Rhoades, (512) 974-7719 November 20, 2007 Zoning and Platting Comments: 1 / 171/5 ARSA MINNIN DONNA BRADLEY WHE TO MOVE! Signature Case Number: C14-2007-0199 755 Austin, TX 78767-8810 Your Name (please print) listed on the notice. Wendy Rhoades P. O. Box 1088 Public Hearing: City of Austin Commission 603